

REMARKS

At the time of the Office Action dated November 24, 2006, claims 26-47 were pending in this application. In this Amendment, claims 26, 27, 32, 36, 39, 42, and 45 have been amended, claims 29, 30, 31, 34, 35, and 40 canceled, and new claim 48 added. Care has been exercised to avoid the introduction of new matter. Support for the amendment of the claims can be found in, for example, Figs. 2A, 2B, 4, 5, 11, 20-22, 25, 26A, and 26B, and relevant description of the specification.

Claims 26-28, 32, 33, 36-39, and 41-48 are now active in this application, of which claims 26, 27, 32, 36, 39, and 45 are independent. A Request for Continued Examination is filed herewith.

Substitute Specification

In paragraph 2 of the Office Action, the Examiner stated as follows:

The substitute specification filed 10-26-04 and the marked up copy of the specification filed 2-3-05 have not been entered since the marked up copy of the specification still does not show all the changes made to the original specification of 1-9-02 as amended by the 1-9-02 preliminary amendment. For example, in addition to the lack of showing the subtitles as now being underlined as noted in Applicant's 2-05 remarks, compare the paragraph bridging pages 14-16 of the 1-9-02 specification to the paragraphs 60-87 and see the marked up copy of the specification filed 2-05 which does not show the proper marking up of such original paragraph nor the addition of the new paragraphs. Therefore, the purposes of the following action the specification including the abstract as filed 1-9-02 and as amended by the preliminary amendment of 1-9-02 will be considered as the specification.

Applicants submit a revised Substitute Specification concurrently with this Amendment (clean version and marked up version). Paragraphs [103], [109], and [107] includes the amendment made by the January 9, 2002 Preliminary Amendment. Please note that in the last line in paragraph [109], the original specification mentioned "Fig. 2," which was amended by the

January 9, 2002 Preliminary Amendment to be --Fig. 3--, and then, was amended by the May 18, 2004 Amendment to be --Fig. 2B--. Since the Examiner required Applicants to show the Amendment made by the January 9, 2002 Preliminary Amendment, the marked up version of the Substitute Specification shows these changes in the following manner “(shown with an arrow in ~~Fig. 3~~ ~~Fig. 2~~ Fig. 2B).”

It is also noted that the title of the invention and the headers such as “Field of the Invention,” “Background Art,” “Summary of the Invention,” “Brief Description of the Drawings,” and “Best Mode for carrying out the Invention,” are not underlined in the clean version of the Substitute Specification.

With respect to the paragraph bridging pages 14-16 of the original specification, Applicants crossed out that paragraph (see the crossed out paragraph under paragraph [87]), and showed paragraphs [60]-[87] as replacement of the crossed out paragraph in the marked up version of the Substitute Specification.

Applicants believe that the clean version of the Substitute Specification and the marked up version of the Substitute Specification address the Examiner’s concerns. Entry of the clean version of the Substitute Specification and the marked up version of the Substitute Specification, submitted concurrently with this Amendment, is respectfully solicited.

Specification

The Examiner has requested to review the specification for minor errors. Applicants invite the Examiner’s attention to the Substitute Specification submitted concurrently with this Amendment.

Drawings

As discussed above, Applicants respectfully solicit entry of the clean version of the Substitute Specification and the marked up version of the Substitute Specification, submitted concurrently with this Amendment, and the replacement sheets including Figs. 1-28 filed May 18, 2004 and the replacement sheet including Fig. 4 filed October 26, 2004.

The replacement sheets address the informalities identified by the Examiner. With respect to the objection that the drawings do not show the invention as claimed in claim 30, the objection has been rendered moot by cancellation of claim 30. Entry of the replacement sheets and withdrawal of the objection to the drawings are, therefore, respectfully solicited.

Description

Applicants respectfully solicit entry of the clean version of the Substitute Specification and the marked up version of the Substitute Specification, submitted concurrently with this Amendment. The Substitute Specification addresses the informalities identified by the Examiner. Withdrawal of the objection to the description is, therefore, respectfully solicited.

Claim objections

Objection has been made to claims 26-47. It is noted that the objection to claims 29, 30, 31, 34, 35, and 40 has been rendered moot by cancellation of those claims. In response, the claims have been amended to address the informalities identified by the Examiner, except the word "stands" in claims 26, 27, 32, 36, 39, and 45.

The Examiner suggested replacing the word "stands" with --extends--. Applicants believe that the word "stands" accurately describes what is claimed, rather than the word --

extends--, in that context. The Examiner also suggested that there may be a missing word in the third to last lines of claim 36. However, Applicants could not find any missing word in those lines of the claim.

Applicants, therefore, respectfully solicit withdrawal of the objection to claims 26-47.

Claim 40 has been rejected under 35 U.S.C. §112, second paragraph.

The rejection of claim 40 has been rendered moot by cancellation of the claim.

Withdrawal of the rejection of the claim is, therefore, respectfully solicited.

Claims 26-29, 31, 37, and 38 have been rejected under 35 U.S.C. §102(b) as being anticipated by Roe et al.

In the statement of the rejection of the claims, the Examiner asserted that Roe et al. discloses an absorbent article having integral barrier cuffs, identically corresponding to what is claimed. It is noted that the rejection of claims 29 and 31 has been rendered moot by cancellation of those claims.

Applicants submit that Roe et al. does not identically disclose a disposable absorbent article including all the limitations recited in independent claim 26. Specifically, the reference does not disclose, at a minimum, the following limitations:

two or more said stretching members are arranged in the vicinity of a distal end of said contacting portion so as to be spaced from each other in a direction from said folding portion to the distal end of the contacting portion,

two or more said stretching members are arranged in the vicinity of a proximal end of said standing portion so as to be spaced from each other in a direction from said base line to said folding portion,

at least one said stretching member is arranged in the vicinity of the folding portion...

said standing portion stands in a substantially vertical direction....

Claim 26 recites that stretching members are arranged at least at the folding portion, and the standing portion stands in a substantially vertical direction due to the stretching members. In contrast, Roe et al. in Figs. 1 and 3 shows no stretching members arranged at the folding portion and in the vicinity thereof.

Accordingly, Roe et al. does not identically disclose a disposable absorbent article including all the limitations recited in independent claim 1. This discussion is applicable to independent claim 27, reciting "at least one said stretching member is arranged in the vicinity of the folding portion." Dependent claims 28, 37, and 38 are also patentably distinguishable over Roe et al. at least because these claims include all the limitations recited in independent claim 1. Applicants, therefore, respectfully solicit withdrawal of the rejection of the claims and favorable consideration thereof.

Claim 30 has been rejected under 35 U.S.C. §102(b) as being anticipated by Bruemmer et al.

The rejection of claim 30 has been rendered moot by cancellation of the claim. Withdrawal of the rejection of the claim is, therefore, respectfully solicited.

Claims 32-34, 36, 39-41, and 43-47 have been rejected under 35 U.S.C. §102(e) as being anticipated by St. Louis et al.

The Examiner asserted that St. Louis et al. describes an absorbent article identically corresponding to what is claimed. It is noted that the rejection of claims 34, 35, and 40 has been rendered moot by cancellation of those claims.

Applicants submit that St. Louis et al. does not identically disclose a disposable absorbent article including all the limitations recited in independent claim 32. Specifically, St. Louis et al. does not disclose, at a minimum, “said stretching members being arranged in the vicinity of a distal end of said free portion and in the vicinity of said base line” and “an effective stretching length of said stretching member arranged in the vicinity of said base line is shorter than that of said stretching member arranged in the vicinity of the distal end of said free portion,” recited in claim 32.

The Examiner asserted as follows:

In regard to the effective stretching length, see col. 10, ... i.e., the stretching length is an “other size” of the individual strand, and ..., i.e., to provide a “gradient” (gradient as defined by the dictionary is a rate of inclination, slope, and ascending or descending part, incline), i.e., the individual strands may have an ascending or descending gradient of other size, i.e., the effective stretching length of the stretching member between the base line and longitudinal centerline can be shorter than that along the distal edge.

See the Examiner’s statement regarding claim 32 on page 9 of the Office Action. Applicants submit that St. Louis is silent on the claimed effective stretching length of the stretching members, and the Examiner’s comments do not support that the reference identically describes the claimed effective stretching length. Accordingly, there is no disclosure of the claimed effective stretching length of the stretching members in St. Louis et al.

Moreover, St Louis et al. is silent on the following limitations of claim 32:

when the elongation of a portion in the vicinity of the distal end of said free portion is 60 % to 150 %, the stretching stress of said portion is 0.10 N to 1.30 N (per the width of 15 mm and the length of 100 mm),

when the elongation of a portion in the vicinity of said base line is 60% to 150%, the stretching stress of said portion is 0.20 N to 2.00 N (per the width of 15 mm and the length of 100 mm), and

said stretching stress of said latter portion is greater than that of said former portion, wherein

in the side view of the article, the standing cuff stands so as to form a sector shape in its freely contracted state, and

when the wearer wears the article, the distal edge of the standing cuff does not stand vertically and is brought into contact with low pressure at its front and back end-sides, while the distal edge of the standing cuff stands almost vertically and is brought into contact with relatively high pressure at its laterally central portion so that a side-leakage at a longitudinally central portion of the distal edge of the standing cuff in particular can be coped with adequately.

Accordingly, St. Louis et al. does not identically disclose a disposable absorbent article including all the limitations recited in independent claim 32. Dependent claim 33 is also patentably distinguishable over St. Louis et al. at least because the claim includes all the limitations recited in independent claim 32.

St. Louis et al. does not disclose a disposable absorbent article including all the limitations recited in independent claim 36. Specifically, the reference does not disclose, at a minimum, “stretching members for lifting being longitudinally fixed along the opposite sides of the absorbent structure and laterally inboard with respect to the base lines for the standing cuffs,” recited in claim 36.

Based on Applicants’ study of St. Louis et al., there is no disclosure regarding the claimed stretching members for lifting in the reference. Accordingly, St. Louis et al. does not identically disclose a disposable absorbent article including all the limitations recited in independent claim 36. Dependent claim 47 is also patentably distinguishable over St. Louis et al. at least because the claim includes all the limitations recited in independent claim 36.

Applicants submit that St. Louis et al. does not disclose a disposable absorbent article including all the limitations recited in independent claim 39. Specifically, the reference does not disclose, at a minimum, “said free portion comprising a two-layer sheet and a water proof sheet disposed between layers of the two-layer sheet,” as recited in claim 39.

It is apparent from column 10, lines 26-50 of St. Louis et al., that the reference does not identically disclose that the claimed free portion comprises a two-layer sheet and a water proof sheet disposed between layers of the two-layer sheet. Dependent claims 41, 43, and 44 are also patentably distinguishable over St. Louis et al. at least because the claims include all the limitations recited in independent claim 39.

Further, Applicants submit that St. Louis et al. does not disclose a disposable absorbent article including all the limitations recited in independent claim 45. Specifically, the reference does not disclose, at a minimum, “at least one standing cuff having a free portion adapted to contact a wearer’s waist, said free portion having a base line, extending along an edge of said absorbent structure in a direction perpendicular to a longitudinal direction of said absorbent structure, from which said free portion extends, said free portion comprising a two-layer sheet and a water proof sheet disposed between layers of the two-layer sheet,” as recited in claim 45.

Applicants’ study found that St. Louis et al. is silent on the standing cuff “extending along an edge of said absorbent structure in a direction perpendicular to a longitudinal direction of said absorbent structure,” as claimed. Accordingly, St. Louis et al. does not identically disclose a disposable absorbent article including all the limitations recited in independent claim 45. Dependent claim 46 is also patentably distinguishable over St. Louis et al. at least because the claim includes all the limitations recited in independent claim 45.

Based on the foregoing, St. Louis et al. does not identically describe the claimed invention within the meaning of 35 U.S.C. §102. Applicants, therefore, respectfully solicit withdrawal of the rejection of the claims and favorable consideration thereof.

Claims 35 and 42 have been rejected under 35 U.S.C. §102(e) as anticipated by, or under 35 U.S.C. §103(a) as obvious over, St. Louis et al.

The rejection of claim 35 has been rendered moot by cancellation of the claim. Withdrawal of the rejection of the claim is, therefore, respectfully solicited.

Further, claim 42 depends from independent claim 39. Applicants incorporate herein the arguments previously advanced in responding to the rejection of claim 39 under 35 U.S.C. §102(e) for anticipation evidenced by St. Louis et al. The Examiner's additional comments do not cure the previously argued deficiencies of St. Louis et al. Accordingly, St. Louis et al. does not teach all the limitations recited in claim 42 within the meaning of 35 U.S.C. §103.

Applicants, therefore, respectfully solicit withdrawal of the rejection of the claims, and favorable consideration thereof.

New Claim 48

Applicants submit that new claim 48 is patentably distinguishable over Roe et al., Bruemmer et al., and St. Louis et al. at least because the claim includes all the limitations recited in independent claim 26. Favorable consideration is, therefore, respectfully solicited.

Conclusion

It should, therefore, be apparent that the imposed rejections have been overcome and that all pending claims are in condition for immediate allowance. Favorable consideration is, therefore, respectfully solicited.


To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

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including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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